

UNITED STATES DISTRICT COURT
FOR THE
DISTRICT OF VERMONT

Chukwuma E. Azubuko, :
Plaintiff, :
: File No. 1:09-cv-6-jgm
v. :
: Liberty Mutual Insurance :
Company, :
Defendant. :
:

ORDER
(Doc. 10)

On January 9, 2009, plaintiff Chukwuma Azubuko filed a *pro se* action in this Court against defendant Liberty Mutual Insurance Company. Azubuko's allegations pertained to the threatened cancellation of his automobile insurance policy. On January 23, 2009, the Court granted Azubuko's motion to proceed *in forma pauperis*, but DISMISSED the case without prejudice for lack of jurisdiction and/or improper venue. (Doc. 2.)

Azubuko appealed the Court's ruling. On May 15, 2009, the United States Court of Appeals for the Second Circuit denied his appeal because he failed to comply with that court's standing order, issued in a previous case, requiring him "to petition the Court for leave to appeal prior to filing any future appeals" (Doc. 9.) There was no further activity in the case until Azubuko filed his most recent motion, which is currently before the Court, for relief from judgment. (Doc. 10.)

Azubuko states he is seeking relief under Federal Rule of Civil Procedure 60(b)(5), which provides:

On motion and just terms, the court may relieve a party or its legal representative from a final judgment, order, or proceeding for the following reasons:

(5) the judgment has been satisfied, released or discharged; it is based on an earlier judgment that has been reversed or vacated; or applying it prospectively is no longer equitable.

Fed. R. Civ. P. 60(b)(5). Nothing in Azubuko's motion suggests this Rule applies in his case. Specifically, he makes no mention of a judgment that has been satisfied, and offers no argument on the basis of equity.

Construing Azubuko's *pro se* filing liberally, the Court also considers other provisions within Rule 60. As to Rule 60(b)(1), (2), and (3), Azubuko has filed his motion long after the one-year limitations period set forth for those subsections. See Fed. R. Civ. P. 60(c)(1). Furthermore, as another federal district court determined with respect to a similar motion submitted by Azubuko, "a careful review of Mr. Azubuko's motion reveals no legitimate basis for such a late-filed challenge to the final judgment in this case or, for that matter, for any challenge at all." Azubuko v. Dedham Massachusetts Police Comm'r, No. 1:06-cv-00152-JAW, 2011 WL 2224819, at *1 (D. Mass. June 7, 2011).

This Court concluded previously that Azubuko's allegations have no "factual or legal connection to the State of Vermont," and now sees no basis for disturbing that conclusion. The motion for relief from judgment (Doc. 10) is therefore DENIED.

The Court further notes Azubuko has been warned that any "frivolous or vexatious" filings may be met with sanctions, and future filings of any sort will not be permitted without prior leave of court. (Doc. 2 at 3.) This warning is now reiterated. In particular, any further motions for reconsideration or relief from judgment in this case that are deemed to be "frivolous or vexatious" likely will be met with a substantial monetary sanction.

SO ORDERED.

Dated at Brattleboro, in the District of Vermont, this 12th day of August, 2011.

/s/ J. Garvan Murtha

Honorable J. Garvan Murtha
United States District Judge